

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and Power Department

3-86-76-IPD

GOA, DAMAN AND DIU RAW CASHEWNUTS (MOVEMENT CONTROL) ORDER 1976

Whereas the Government of Goa, Daman and Diu is of the opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of raw cashewnuts at fair prices within the Union territory.

Now therefore, in exercise of the powers conferred by sub-rules (2) and (3) of Rule 114 of the Defence and Internal Security of India Rules, 1971, the Government of Goa, Daman and Diu hereby make the following order, namely:—

ORDER

1. *Short title, extent and commencement.*— This order may be called the Goa, Daman and Diu Raw Cashewnut (Movement Control) order, 1976.

2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

3) It shall come into force at once.

2. *Definitions.*— In this order, unless the context otherwise requires.

(a) "Competent authority" means the Government or an Officer authorised by the Government to grant permits under this Order;

(b) "Form" means a form appended to this Order;

(c) "Permit" means a permit referred to in clause 3;

(d) "Person" includes a body corporate, a company, a firm and Association of individuals or a Co-operative Society registered or deemed to be

registered under the Maharashtra Co-operative Societies Act, 1960 as in force in the Union territory;

(e) "raw cashewnut" shall not include roasted cashewnut;

(f) "Union territory" means the Union territory of Goa, Daman and Diu.

3. *Regulation of movement of raw cashewnuts.*— No person shall move or attempt to move or abet the movement of raw cashewnut from any place in the Union territory to any place outside except under and in accordance with a permit issued in that behalf by the competent authority:

Provided that nothing contained in this clause shall apply to the movement of raw Cashewnuts—

(a) not exceeding five kilograms in weight in the aggregate; or

(b) allotted by the Cashew Corporation of India in respect of a Cashew Factory situated outside the Union territory to the cashew factory.

4. *Application form and form of permit.*— (1) An application for the grant of a permit shall be in Form I and shall be affixed with a Court Fee Stamp of the value of two rupees.

(2) The permit shall be in Form II.

5. *Power to refuse permit.*— The competent authority may after giving the applicant an opportunity for stating his case and for reasons to be recorded in writing refuse to grant the permit.

6. *Cancellation of permit.*— Where the competent authority is satisfied that a person to whom a permit has been issued has contravened the provisions of this Order or any of the terms and conditions of the permit, it may, without prejudice to any other action, by order, cancel the permit:

Provided that no permit shall be cancelled without giving the holder thereof a reasonable opportunity for showing cause against such cancellation.

7. *Power of entry, seizure, etc.*— (1) The competent authority or any officer not below the rank of

Industries Officer authorised by it in this behalf or any police officer not below the rank of Inspector may, with a view to securing compliance with the provisions of this order or to satisfying itself or himself that the said provisions have been complied with —

- (a) enter and search any premises;
- (b) inspect any books, accounts or other documents maintained in the course of business or any stock or raw cashewnuts in the possession or under the control of any person;
- (c) seize any such books, accounts or other documents which in its or his opinion would be useful for or relevant to any proceedings under this Order;
- (d) search any person, animal, vessel, vehicle or other conveyance or any receptacles which has been used, or is being used, or is about to be used, for the movement of raw cashewnuts;
- (e) seize any raw cashewnuts in respect of which it or he has reason to believe that a contravention of this Order has been, is being, or is about to be, committed.

8. *Power of Court to direct forfeiture.* — Any Court trying a contravention of this Order may direct that any raw cashewnuts, in respect of which the Court is satisfied that this Order has been contravened, shall be forfeited to Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Power).

Panaji, 26th April, 1976.

FORM I

(Clause 4(1) of the Goa, Daman and Diu Raw Cashewnut (Movement Control) Order, 1976

Form of application for permit to export raw cashewnuts

1. Name and address of the applicant:
2. Quantity to be transported:
3. Place from which to be transported:
4. Name and address of the consignee:

5. Route and mode of transportation:
6. Time required for completing transport:
7. Purpose for which the cashewnuts are transported:

Declaration

I, ... do hereby declare that to the best of my knowledge and belief that the above information is correct and complete and that I am aware of the conditions subject to which a permit is granted and I agree to abide by them. I declare that I have/*I have not previously applied for a permit and that a permit was refused/*granted to me on ...

Place:

Date: SIGNATURE OF THE APPLICANT

* Strike out whichever is inapplicable.

FORM II

(The Goa, Daman and Diu Raw Cashewnut (Movement Control) Order, 1976)

[See Clause 4(2)]

Permit for the transport of raw cashewnuts

Permit No. ... Date: ...

1. Name and address of the person to whom the permit is granted:
2. Quantity permitted to be transported:
3. Place from which to be transported:
4. Name and address of the consignee:
5. Route and mode of transportation:
6. Date upto which permit is valid:
7. Purpose for which the cashewnuts and transported:

Conditions

- a) The permit is not transferable.
- b) The permit is liable to be cancelled if it is found that it was granted due to a mistake of fact or on account of any misrepresentation or fraud or for any reason mentioned in Clause 6 of the Goa, Daman and Diu Raw Cashewnut (Movement Control) Order, 1976 and the holder shall surrender the permit to the undersigned when it is cancelled.
- c) The permit must be returned at once to the undersigned if the purpose for which it has been issued ceases to exist.
- d) The permit holder shall allow the permit and the cashewnut transported under the cover of the permit to be verified and inspected by any officer authorised in this behalf.

SIGNATURE OF THE AUTHORITY GRANTING THE PERMIT